

Defendant.

[illegible]

CASE NO. 1:21-CV-00830-ACA

Pursuant to Rule 26(f) of the *Federal Rules of Civil Procedure*, a meeting of the Parties’ representatives was held on the 11th day of July, 2022 and attended by Steven Gregory and Earl Underwood, Jr. for Plaintiff James Aaron Underwood (“Plaintiff”) and Stephen Bumgarner for Defendant IFA Holdings, LLC d/b/a Cygnal (“Defendant”).

1. **Initial Disclosures:** The parties will exchange the information required by Fed. R. Civ. P. 26 by **July 25, 2022**.

2. **Discovery Plan:** The Parties propose to the Court the following discovery plan:

- a. **Subjects:** Without waiver of objections, discovery will be needed on

the following subjects: the issues raised in Count One of Plaintiff's Amended Complaint, asserting a violation of 47 U.S.C. § 227(b)(1)(A) of the Telephone Consumer Protection Act, and Defendant's defenses.

b. **Discovery Cutoff Date:** All discovery to be commenced in time to be completed by **January 16, 2023**.

c. **Limitations on Interrogatories:** Maximum of **25** interrogatories (including discrete subparts) by each party to any other party. Responses due 30 days after service.

d. **Limitations on Requests for Production:** Maximum of **30** requests for production (including discrete subparts) to any other party. Responses due 30 days after service.

e. **Limitations on Requests for Admission:** Maximum of **25** requests for admission by each party to any other party. Responses due 30 days after service.

f. **Limitations on Depositions:** Maximum of **8** depositions by plaintiff and **8** by defendant. Each deposition is limited to a maximum of **7** hours unless extended by agreement of the parties or order of the court.

g. **Reports from retained experts under Fed. R. Civ. P. 26(a)(2):** Due from Plaintiff by **October 3, 2022**, and from Defendant by **October 31, 2022**.

h. **Supplementation of disclosures and discovery under Fed. R. Civ. P. 26(e)** are due as soon as reasonably possible after new information is discovered,

but no later than **November 7, 2022**.

3. **Other Items:**

a. **Settlement:** The parties are currently exploring possibilities for resolution.

b. **Electronically Stored Information:** To the extent it exists, relevant, non-privileged electronic information will be produced by the parties in either PDF or hardcopy format, to enable the parties to exchange discoverable information without undue burden or costs. A requesting party may obtain relevant, non-privileged, electronic information in a format other than PDF or hardcopy only upon agreement by the parties or a showing of substantial need to the court for such information in that format.

c. **Inadvertent Disclosure of Privileged Materials:** The parties agree to the entry of an order regarding claims of privilege or of protection with respect to the inadvertent production of any privileged material that will allow the producing party to claw back such inadvertently produced document and will further require that such party produce a privilege log as to any such document.

d. **Parties and Pleadings:** Plaintiff is allowed until **October 10, 2022** to join additional parties and to amend the pleadings. Defendant is allowed until **November 7, 2022** to join additional parties and amend the pleadings.

e. **Dispositive Motions:** All potentially dispositive motions should be

filed by **February 10, 2023**.

f. **Class Certification Motions:** All class certification motions should be filed by **March 10, 2023**

g. **Final lists of witnesses and exhibits under Fed. R. Civ. P. 26(a)(3) and lists of deposition designations for trial testimony** must be served and filed **30** days before trial. The parties shall have **14** days after service of final lists of witnesses and exhibits to file objections under Fed. R. Civ. P. 26(a)(3).

h. **Motions in Limine:** All motions in limine should be filed **15** days prior to trial.

i. **Additional Conferences:** The parties are available for a Final Pretrial Conference on **May 4, 2023**.

j. **Suggested trial date and estimate of trial length:** Case will be trial-ready by **June 19, 2023**, and the jury trial is estimated to last **3 to 4 days**.

Respectfully submitted this the 11th day of July, 2022.

/s/Steven P. Gregory

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